

EXHIBIT D

From: Dahm, Michael <mdahm@starkinvestments.com>
Sent: Thursday, August 30, 2007 6:05 PM
To: Palmer, Jeff <jpalmer@ropes & gray.com>; Green, Christopher G. <cgreen@ropes & gray.com>
Subject: FW: PainCare

From: Turall, Todd
Sent: Thursday, December 21, 2006 1:49 PM
To: Davidson, Brian
Cc: Dahm, Michael; Koutnik, Philip
Subject: PainCare

Mark Spoerka of PainCare called back. They are going to get us a proposal of how to deal with the liquidated damages "right after the New Year." You want to wait for that or should I tell him that it insufficient. If insufficient, I am sure they won't come back to us with a proposal, so should I cut the lawyers loose on them?

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